

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

MOOG INC.,

Plaintiff,

v.

Case No.: _____

SKYRYSE, INC., ROBERT ALIN
PILKINGTON, MISOOK KIM, and DOES NOS.
1-50,

Defendants.

DECLARATION OF IAN BAGNALD

IAN BAGNALD, under penalty of perjury and pursuant to 28 U.S.C. § 1746,
declares the following to be true and correct:

I. Background

1. My name is Ian Bagnald. I provide this declaration in support of Moog Inc.'s Petition for a Temporary Restraining Order/Preliminary Injunction. I am over the age of 18 years. I have personal knowledge of the matters set forth herein and if called as a witness, I could and would competently testify as to all facts set forth herein.

2. I am a Certified Information Systems Security Professional, ISC2 member ID 450454.

3. I have worked at Moog, Inc. ("Moog") since 2005. From 2005 until 2017, I served as Senior System Support Analyst. From 2017 through present, I have served as Moog's Security Operations Manager.

4. I have several duties as Security Operations Manager. I manage a team of security personnel at Moog. We provide threat and vulnerability management, including conducting trainings to management and employees. We are responsible for security awareness, data security, as well as conducting active investigations regarding potential security incidents.

II. Data Theft

5. On January 24, 2022, I began an investigation into the user accounts and data activity associated with former employees at Moog who had recently departed Moog to begin working for Skyryse Inc. (“Skyryse”).

6. I took the user names and used a product called Ivanti Device Control, which is an endpoint policy enforcement solution. This software provides endpoint encryption allowing the administrator to enforce certain security policies on removable devices. The program allows me to see which files have been downloaded or copied from Moog’s internal servers onto removable devices (i.e., external hard drives, USB devices, etc.).

7. My investigation revealed, among other things, that some former Moog employees had made copies of Moog data to external devices prior to their exits from Moog. My team then proceeded to analyze each of these accesses further. As detailed below, our investigation revealed that Misook Kim (“Kim”) had made significant and voluminous data copies that could not be explained from a legitimate business needs standpoint. Ms. Kim worked in our Torrance, California office, along with a number of other software engineers who have recently left Moog’s employment to join Skyryse. Ms. Kim’s employment with Moog ended December 18, 2021, when she resigned.

8. Specifically, our further investigation revealed that Ms. Kim had copied 136,994 files to an external hard drive on November 19, 2021, a few weeks before Ms. Kim left Moog’s

employment. Ms. Kim had taken the hard drive with her after making the copy and after her departure from Moog.

9. The data my team has been able to gather from Ms. Kim’s electronic devices and Moog user profile include: (1) timestamps of when she used her removable devices; (2) the identifying credentials and specification of the devices that were used in the data copying; and (3) the names and types of the data files that were copied over.

10. The timestamps for Ms. Kim’s user account shows that the unauthorized copying of Moog internal server data to the external hard drive was conducted between November 19, 2021 at 10:16:41 AM UTC and 3:33:28 PM UTC, or between about 3:16 AM to about 7:33 AM local time in California. Our investigation further showed that Ms. Kim copied the data through use of Virtual Private Network (“VPN”), meaning the activity was conducted remotely and outside of direct connection to Moog’s servers in Moog’s offices.

11. The specifications for the external hard drive device that Ms. Kim used to extract the data from Moog’s internal servers are SAMSUNG PSSD T7 SCSI Disk Device; Model MU-PC1T0H; PSID: S9D10DUTM3SS76AGF4193P37BD4NA660; SN: S5SXNS0R702326Z; Capacity: 1 TB.

12. My team prepared an Excel spreadsheet with the file log showing the file name and type of each and every file copied by Ms. Kim onto the external hard drive (the “File Log”) A true and correct copy of the File Log showing the 136,994 files Ms. Kim copied to the external hard drive on November 19, 2021 is attached hereto as **Exhibit A**.

13. In preparing and analyzing the File Log, my team was also able to break down the different file metrics and categories of the 136,994 files copied by Ms. Kim. The overall file metrics are broken down as follows:

Type	Number
Source Code	43,960
Spreadsheets	5,377
Documents	2,831
Executables	954
Images	9,003
MAP Files	2,010
Models	7,898
Object Files	1,026
Plain Text	4,613
Presentations	404
Misc.	20,655
SVN Logs	38,263
Total Files	136,994

14. My team's investigation of the File Log and underlying data regarding Ms. Kim's data transfer on November 19, 2021 shows that Ms. Kim used Alin Pilkington's file path to copy the data onto the external hard drive. The file path used by Ms. Kim was:

“D:\Misook\ENG_Alin_Branch\Software...” Based on my review of Moog’s internal business and employment records, I understand that Alin Pilkington is another former employee of Moog who left the company on November 13, 2021, and now works for Skyryse.

III. Custody/Status of Devices

15. Ms. Kim was issued two laptop computers by Moog during her employment. In late January 2022, Mike Johnnie (AG Director of Engineering) who works in our Torrance, California office, attempted to locate Ms. Kim’s Moog-issued laptops as well as the external hard drive in question. I spoke with Mr. Johnnie about recovering Ms. Kim’s electronic devices and worked in conjunction with him in this investigation. On Friday, January 28, 2022, Ms. Kim’s two Moog-issued laptops were located in Moog’s Torrance, California office. However, the external hard drive could not be located. Ms. Kim’s sister, an employee at Moog, turned in an external hard drive on Ms. Kim’s behalf on Monday, January 31, 2022.

16. My team, in conjunction with Mr. Johnnie, accessed and analyzed the external hard drive returned by Ms. Kim’s sister on January 31, 2022 for the sole purpose of determining what data, if any, had been extracted/copied using this device. Our investigation determined that the external hard drive returned by Ms. Kim’s sister was not the same external hard drive used by Ms. Kim to copy Moog’s data on November 19, 2021, as the specification details did not match. The specification details for the hard drive returned by Ms. Kim’s sister are Western Digital My Passport; Model WDBYFT0030BBL-WESN; Serial Number: WX310DB63ED85; Capacity: 3 TB. As described above, these identification details are different than the Samsung PSSD T7 external hard drive used by Ms. Kim on November 19, 2021.

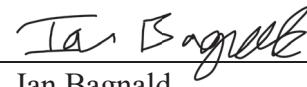
17. Our investigation further showed that the external hard drive returned by Ms. Kim’s sister is blank, empty, and contains no files.

18. Based on my review of Moog's internal business records, I understand that on February 18, 2022, Jamie Daly (Global HR Business Partner, AG Engineering) sent a letter to Ms. Kim at 2120 Bridgeport Way, Torrance, CA 90503 (the address on file with Moog for her), identifying the missing external drive and demanding its return by no later than February 22, 2022.

19. On February 21, 2022, I became aware that a second external hard drive had been returned to Moog on Ms. Kim's behalf. My team accessed and analyzed the external hard drive returned on February 21, 2022 for the sole purpose of determining what data, if any, had been extracted/copied using this device. The investigation confirmed that the second external hard drive returned on February 21, 2022 was blank and contained no files.

I declare that the foregoing is true and correct under penalty of perjury under the laws of the United States of America.

Dated: March 6, 2022



Ian Bagnald